REMARKS

The Examiner rejected claims 3, 7 and 11 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matte which applicant regards as the invention.

The Examiner rejected claims 4, 8 and 12 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner rejected claims 1-12 and 17 under 35 U.S.C. §102(e) as allegedly being anticipated by US Publication No. 2002/0112185 to Hodges.

The Examiner rejected claims 13-16 under 35 U.S.C. §103(a) as allegedly being unpatentable over Hodges (US Publication No. 2002/01121185) in view of US Patent No. 6,167,520 to Touboul.

The Examiner rejected claim 18 under 35 U.S.C. §103(a) as allegedly being unpatentable over Hodges (US Publication No. 2002/0112185) in view of US Patent No. 5,519,717 to Lorenzo et al.

The Examiner rejected claim 19-21 under 35 U.S.C. §103(a) as allegedly being unpatentable over Hodges (US Publication No. 2002/0112185) in view of US Patent No. 6,351,752 to Cousins et al.

Applicants respectfully traverse the §112, §102(e) and §103(a) rejections with the following arguments.

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35 U.S.C. §112, Second Paragraph

The Examiner rejected claims 3, 7 and 11 under 35 U.S.C. §112, second paragraph, as allegedly "being indefinite for failing to particularly point out and distinctly claim the subject matte which applicant regards as the invention. Applicant mentions "network validity" on Line 1 of Claims 3,7,11 respectively, this term is renders the claim indefinite, as this term is not easily understood by one with ordinary skill in the art. The examiner recommends "network descriptive validity" as mentioned in the specification. And the Claims 3,7,11 have been treated as "network descriptive validity" as described in the specifications."

Applicants note that claims 7 and 11 have been canceled. Therefore, the rejection of claims 7 and 11 under 35 U.S.C. §112, second paragraph is moot.

Applicants respectfully contend that the Examiner is viewing the word "validity" in "network validity", as a noun in claim 3. Applicants respectfully contend that the preceding view of the Examiner is incorrect, because the Examiner has overlooked the word "condition" in the phrase "network validity condition" in claim 3. Applicants maintain that the word "condition" should not be severed from the phrase "network validity condition" in interpreting the phrase "network validity condition" in claim 3. When interpreted as an integral phrase without being broken up, "network validity condition" is unambiguously described with examples in the specification on page 1, lines 13-16 which recites: "A validity condition that includes a network-descriptive specification is called a **network validity condition**. For example, a network validity condition may be "operative during periods of light incoming network traffic," or "operative during periods of heavy loading," or "operative when both systems RALVM6 and RALVM8 are heavily loaded," and so forth" (emphasis added).

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Accordingly, Applicants respectively request that the rejection of claim 3 under 35 U.S.C. §112, second paragraph be withdrawn.

The Examiner rejected claims 4, 8 and 12 under 35 U.S.C. §112, second paragraph, as allegedly "being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant mentions "compound validity' on Line 1 of Claims 4,8,12 respectively, this term is not specified within the claim, as this term is not easily understood by one with ordinary skill in the art. The examiner recommends something similar to effect of "The validity conditions may be compound or Boolean, and include multiple temporal specifications, or multiple network-descriptive specifications, or both temporal and network-descriptive specifications" as stated in the specification. And the Claims 4,8,12 have been treated as described in the specification.

Applicants note that claims 8 and 12 have been canceled. Therefore, the rejection of claims 8 and 12 under 35 U.S.C. §112, second paragraph is moot. As to claim 4, Applicants have amended claim 4 as suggested by the Examiner.

Accordingly, Applicants respectively request that the rejection of claim 4 under 35 U.S.C. §112, second paragraph be withdrawn.

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35 U.S.C. §102(e)

The Examiner rejected claims 1-12 and 17 under 35 U.S.C. §102(e) as allegedly being anticipated by US Publication No. 2002/0112185 to Hodges.

Applicants note that claims 5-8 and 10-12 have been canceled. Therefore, the rejection of claims 5-8 and 10-12 under 35 U.S.C. §102(e) is moot.

Claims 1-4

Applicants respectfully contend that Hodges does not anticipate claim 1, because Hodges does not teach each and every feature of claim 1.

A first reason why Hodges does not anticipate claim 1 is that Hodges does not teach the feature: "awaiting an occurrence of a next update time of the intrusion detection system, said next update time being a time at which at least one validity condition of the at least one business rule is checked".

A second reason why Hodges does not anticipate claim 1 is that Hodges does not teach the feature: "responsive to the occurrence of the next update time, checking the at least one validity condition of the at least one business rule to determine whether a provision of any business rule of the at least one business rule is a newly operative provision that has first become operative or gone into effect since an occurrence of a last previous update time at which the at least one validity condition of the at least one business rule was checked, said newly operative provision prescribing an alteration of an intrusion set that the provision applies to".

A third reason why Hodges does not anticipate claim 1 is that Hodges does not teach the feature: "if the checked provision is the newly operative provision that applies to the intrusion

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set, then altering the intrusion set according to the newly operative provision".

Based on the preceding arguments, Applicants respectfully maintain that Hodges does not anticipate claim 1, and that claim 1 is in condition for allowance. Since claims 2-4 depend from claim 1, Applicants contend that claims 2-4 are likewise in condition for allowance.

Claims 9 and 17

Applicants respectfully contend that Hodges does not anticipate claim 9, because Hodges does not teach each and every feature of claim 9.

A first reason why Hodges does not anticipate claim 9 is that Hodges does not teach the feature: "awaiting an update time of the intrusion detection system ". The Examiner alleges that Hodges, Paragraph 0012, lines 3-6 teach the preceding feature of claim 9. In response, Applicants contend that Hodges, Paragraph 0012, lines 3-6 teaches that a "system detects an access system event in the access system and determines whether the access system event is of a type that is being monitored." Hodges, Paragraph 0012, lines 3-6 most certainly does not teach awaiting an update time and most certainly does not teach awaiting any type of time.

A second reason why Hodges does not anticipate claim 9 is that Hodges does not teach the feature: "responsive to occurrence of an update time, checking validity conditions of the set of business rules to determine whether a provision of any of the set of business rules is a newly operative provision". The Examiner alleges that Hodges, Paragraph 0102 (lines 18-25), Paragraph 0036, and Paragraph 0034 teach the preceding feature of claim 9. In response, Applicants contend that Hodges, Paragraph 0102 (lines 18-25), Paragraph 0036, and Paragraph

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0034 do not teach the preceding feature of claim 9. Paragraph 0102 (lines 18-25) teaches a "[g]lobal sequence number ... updated in response to subsequent policy changes" which is not a teaching of "responsive to occurrence of an update time, checking validity conditions ..." as required by claim 9. Hodges, Paragraph 0036 and 0034 refer to FIGS. 19 and 17, respectively, and FIGS. 19 and 17 do not teach an action of any kind as being "responsive to occurrence of an update time".

A third reason why Hodges does not anticipate claim 9 is that Hodges does not teach the feature: "for each newly operative provision, checking an intrusion set to determine whether the newly operative provision applies to the intrusion set". The Examiner alleges that Hodges, Paragraph 0102 (lines 18-25), Paragraph 0036, and Paragraph 0034 teach the preceding feature of claim 9. In response, Applicants contend that Hodges, Paragraph 0102 (lines 18-25), Paragraph 0036, and Paragraph 0034 do not teach the preceding feature of claim 9. Applicants respectfully request that the Examiner provide an analysis that explains how Hodges, Paragraph 0102 (lines 18-25), Paragraph 0036, and Paragraph 0034 allegedly teach "for each newly operative provision, checking an intrusion set to determine whether the newly operative provision applies to the intrusion set".

A fourth reason why Hodges does not anticipate claim 9 is that Hodges does not teach the feature: "if the new provision applies to the intrusion set, altering the intrusion set according to the newly operative provision". The Examiner alleges that Hodges, Paragraph 0102 (lines 18-25), Paragraph 0036, and Paragraph 0034 teach the preceding feature of claim 9. In response, Applicants contend that Hodges, Paragraph 0102 (lines 18-25), Paragraph 0036, and Paragraph 0034 do not teach the preceding feature of claim 9. Applicants respectfully request that the

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Examiner provide an analysis that explains how Hodges, Paragraph 0102 (lines 18-25), Paragraph 0036, and Paragraph 0034 allegedly teach "if the new provision applies to the intrusion set, altering the intrusion set according to the newly operative provision".

Based on the preceding arguments, Applicants respectfully maintain that Hodges does not anticipate claim 9, and that claim 9 is in condition for allowance. Since claim17 depends from claim 9, Applicants contend that claim 17 is likewise in condition for allowance.

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35 U.S.C. §103(a)

Claims 13-16

The Examiner rejected claims 13-16 under 35 U.S.C. §103(a) as allegedly being unpatentable over Hodges (US Publication No. 2002/01121185) in view of US Patent No. 6,167,520 to Touboul.

Since claims 13-16 depend from claim 9, which Applicants have argued *supra* to not be unpatentable over Jones under 35 U.S.C. §102(c), Applicants maintain that claims 13-16 are likewise not unpatentable over Jones in view of Touboul under 35 U.S.C. §103(a).

In addition, Applicants respectfully contend that Hodges in view of Touboul does not teach or suggest the following feature of claim 13: "wherein the step of altering the intrusion set includes the step of altering a signature of the intrusion set". The Examiner argues that Touboul, col. 1, lines 52-59 discloses the preceding feature of claim 13. In response, Applicants maintain that Touboul, col. 1, lines 52-59 discloses a digital signature registration stamp. Applicants further maintain that, irrespective of whether a digital signature registration stamp is a signature of an intrusion step, Touboul, col. 1, lines 52-59 most certainly does teach or suggest altering the digital signature registration stamp.

In addition, Applicants respectfully contend that Hodges in view of Touboul does not teach or suggest the following feature of claim 14: "wherein the step of altering the intrusion set includes the step of altering a threshold of the intrusion set". The Examiner argues that Touboul,

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col. 4, lines 51-55 discloses the preceding feature of claim 14. In response, Applicants maintain that Touboul, col. 4, lines 51-55 does not disclose altering a threshold of the intrusion set. In fact, Touboul, col. 4, lines 51-55 does not disclose altering anything.

In addition, Applicants respectfully contend that Hodges in view of Touboul does not teach or suggest the following feature of claim 15: "wherein the step of altering the intrusion set includes the step of altering an action of the intrusion set". The Examiner argues that Touboul, col. 4, lines 60-61 discloses the preceding feature of claim 15. In response, Applicants maintain that Touboul, col. 4, lines 60-61 discloses stopping an applet. However, Applicants maintain the applet, which may be an action, is not an action of an intrusion set.

In addition, Applicants respectfully contend that Hodges in view of Touboul does not teach or suggest the following feature of claim 16: "wherein the step of altering the intrusion set includes the step of altering a weight of the intrusion set". The Examiner argues that Touboul, col. 4, lines 60-61 discloses the preceding feature of claim 16. In response, Applicants maintain that Touboul, col. 4, lines 60-61 discloses stopping an applet. However, Applicants maintain the applet is not a weight, and is most certainly not a weight of an intrusion set.

Accordingly, Applicants maintain that claims 13-16 are not unpatentable over Jones in view of Touboul under 35 U.S.C. §103(a).

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Claim 18

The Examiner rejected claim 18 under 35 U.S.C. §103(a) as allegedly being unpatentable over Hodges (US Publication No. 2002/0112185) in view of US Patent No. 5,519,717 to Lorenzo et al.

Since claim 18 depends from claim 9, which Applicants have argued *supra* to not be unpatentable over Hodges under 35 U.S.C. §102(b), Applicants maintain that claim 18 is likewise not unpatentable over Jones in view of Lorenzo under 35 U.S.C. §103(a).

In addition, Applicants respectfully contend that Hodges in view of Lorenzo does not teach or suggest the following feature of claim 18: "wherein the update time is one of a plurality of update times that occur substantially periodically".

The Examiner argues that Lorenzo, col. 3, lines 60-66 discloses the preceding feature of claim 18 and that "[i]t would be obvious to one having ordinary skill in the art at the time of the invention to include update time being plurality of update times being periodic in order to provide for synchronization with the network ".

In response, Applicants maintain that Lorenzo, col. 3, lines 60-66 discloses that "the remote units can periodically adjust their local clocks so that the synchronization update time of their local clock is in-line or synchronous with the synchronization update time of the network clock". Thus, if one were to update the local clocks to be in-line or synchronous with the synchronization update time of the network clock, then one could not alter the update time of the clocks according to the newly operative provision of the set of business rules as required by claim 18. Accordingly, the Examiner's reason for modifying Hodges by the alleged teaching of

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Lorenzo is inconsistent with the aforementioned requirement of claim 18.

Accordingly, Applicants maintain that claim 18 is not unpatentable over Jones in view of Lorenzo under 35 U.S.C. §103(a).

Claims 19-21

The Examiner rejected claim 19-21 under 35 U.S.C. §103(a) as allegedly being unpatentable over Hodges (US Publication No. 2002/0112185) in view of US Patent No. 6,351,752 to Cousins et al.

Since claims 19 and 20-21 depend from claims 9 and 1, respectively, which Applicants have argued *supra* to not be unpatentable over Jones under 35 U.S.C. §102(e), Applicants maintain that claims 19-21 are likewise not unpatentable over Jones in view of Cousins under 35 U.S.C. §103(a).

In addition, Applicants respectfully contend that Hodges in view of Lorenzo does not teach or suggest the following feature of claim 19: "wherein the update time is a computed update time".

The Examiner argues: "Regarding Claim 19, Hodges does not disclose update time being an computed update time. However, Cousins et al. discloses update time being an computed update time see Column 7 Line 5-12. It would be obvious to one having ordinary skill in the art at the time of the invention to include update time being an computed update time in order for all the rules to have an combined time see Column 5 Line 36-44."

In response, Applicants respectfully contend that the preceding argument by the Examiner

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does not make any sense. First, The phrase "a combined time" is ambiguous and Applicants request that the Examiner explain what the preceding phrase means. Second, having an updated time be a computed update time merely means that one computes the update time, which does not imply a "combined time".

Accordingly, Applicants maintain that claim 19 is not unpatentable over Jones in view of Cousins under 35 U.S.C. §103(a).

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CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0457.

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